



Kimberly B. Townsley Aff. (Ex. B hereto) ¶ 5.) Securian and Minnesota Life first received a copy of the Complaint on January 20, 2017. (See Gary R. Christensen Aff. (Ex. C hereto) ¶ 7.)

2. Defendants file this Notice of Removal within thirty (30) days of service or receipt of the Complaint. Therefore, this Notice of Removal is timely under 28 U.S.C. § 1446(b).

## II. THIS COURT HAS DIVERSITY JURISDICTION

3. Plaintiff Schawna Tanner (“Plaintiff”) is a resident of the State of Tennessee. (Compl. ¶ 1.) Plaintiff is alleged to be the Executrix of the Estate of Rose Marie Reasonover, and Plaintiff alleges that the relevant actions and events that form the basis of Plaintiff’s claims occurred in Tennessee. (See *id.* at 1, ¶ 4.) Certified documents filed in the estate matter state that Ms. Reasonover was a resident of Ooltewah, Tennessee, at the time of her death. (See Ex. D.) Pursuant to 28 U.S.C. § 1332(c)(2), “the legal representative of the estate of a decedent shall be deemed to be a citizen only of the same State as the decedent.” Thus, Plaintiff, in the alleged capacity of the Executrix of the Estate of Rose Marie Reasonover, is a citizen of Tennessee.

4. Minnesota Life is a Minnesota corporation with its principal place of business in Minnesota. (Ramirez Aff. ¶¶ 3, 4.) Minnesota Life is not a corporate citizen of Tennessee.

5. Before its voluntary dissolution on December 31, 2016, Securian was a Minnesota corporation with its principal place of business in Minnesota. (Ramirez Aff. ¶¶ 5, 6.) Securian is not a corporate citizen of Tennessee.

6. Regions is an Alabama corporation with its principal place of business in Alabama. (Townsley Aff. ¶¶ 3, 4.) Regions is not a corporate citizen of Tennessee.

7. Complete diversity of citizenship exists between Plaintiff and all Defendants, and no Defendant is a citizen of the State of Tennessee, for purposes of this Court's exercise of original jurisdiction under 28 U.S.C. § 1332.

8. Plaintiff claims damages against Defendants under the provisions of an Accidental Death and Dismemberment policy in the amount of \$50,000.00. (Compl. at 9.) Plaintiff also asserts a claim for damages under Tennessee's bad faith statute, Tenn. Code Ann. § 56-7-105. (Id.) Pursuant to the bad faith claim, Plaintiff can recover additional damages for "a sum not exceeding twenty-five percent (25%) on the liability for the loss." Tenn. Code Ann. § 56-7-105(a). Twenty-five percent of \$50,000.00 is \$12,500.00. Plaintiff additionally asserts a claim for treble damages pursuant to Tenn. Code Ann. § 47-18-109(a)(3). Three times the amount of \$50,000.00 is \$150,000.00. The allegations in the Complaint evidence that more than \$75,000.00, exclusive of interest and costs, is in controversy.

### III. THIS NOTICE OF REMOVAL IS PROCEDURALLY CORRECT

9. Pursuant to 28 U.S.C. § 1446(a), Defendants are attaching to this Notice of Removal a copy of the complete state court record from the Chancery Court for Hamilton County, Tennessee. (See Ex. A.)

10. The state court from which this action is removed—Chancery Court for Hamilton County, at Chattanooga, Tennessee—is within this Court's federal district and division. Therefore, venue is proper in this Court pursuant to 28 U.S.C. § 1441(a).

11. Defendants will promptly provide written notice of the removal of this action to the Chancery Court for Hamilton County, Tennessee, by filing a Notice of Filing Notice of Removal, together with a copy of this Notice of Removal, and by serving the same on counsel for Plaintiff, as provided under 28 U.S.C. § 1446(d).

WHEREFORE, based on the foregoing, Defendants remove this action from the Chancery Court for Hamilton County, Tennessee, to the United States District Court for the Eastern District of Tennessee, Chattanooga Division.

Respectfully submitted,

s/ Chad E. Wallace (BPR No. 021741)  
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*Regions Bank*

CERTIFICATE OF SERVICE

I hereby certify that I have on February 8, 2017, caused a copy of the foregoing to be filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. Parties may access this filing through the Court's electronic filing system.

s/ Chad E. Wallace (BPR No. 021741)

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